

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

DONNTERRIUS MAYS,	*	
Petitioner,	*	
vs.	*	28 U.S.C. § 2255 Case Number
	*	4:12-cv-90152-CDL-MSH
UNITED STATES OF AMERICA,	*	Criminal Case Number
Respondent.	*	4:09-cr-31-CDL-MSH
	*	

ORDER ON REPORT AND RECOMMENDATION

The Court adopts the Report and Recommendation filed by the Magistrate Judge on April 1, 2013, and makes it the Order of this Court. Petitioner is entitled to a new sentencing hearing. Accordingly, Petitioner's previously ordered sentence is vacated, the U.S. Probation Office is directed to prepare a new pre-sentence report, and Petitioner shall be re-sentenced at a hearing to be held on October 24, 2013, at 9:30 am. The Court does not interpret Petitioner's "objection" to the Magistrate Judge's Recommendation as an objection to the Court's decision on this matter. Petitioner will have an opportunity to respond to the new pre-sentence report after it has been completed. To the extent Petitioner's filing is deemed to be an objection, the Court finds it to be premature. The Court further finds that a

Certificate of Appealability is not appropriate in this case should Petitioner for some reason seek to appeal this order.

IT IS SO ORDERED, this 19th day of April, 2013.

S/Clay D. Land

CLAY D. LAND
UNITED STATES DISTRICT JUDGE